REMARKS

This is a full and timely response to the Office Action mailed March 04, 2008, submitted concurrently with a three month extension of time to extend the due date for response to September 4, 2008.

By this Amendment, claims 1-5 and 10-12 have been amended to more particularly define the present invention and to address the rejection under 35 U.S.C. §112, second paragraph. Further, new claims 16 and 17 have been added to further protect specific embodiments of the present invention. Lastly, claims 6-9 and 13-15 have been canceled without prejudice or disclaimer to their underlying subject matter. Thus, claims 1-5, 10-12, 16 and 17 are currently pending in this application. Support for the claim amendments and new claims can be readily found variously throughout the specification and the original claims, see, in particular, page 14, lines 3-19 and page 15, line 6, of the specification.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 1-15 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Applicant has reviewed and amended the claims to address each concern raised by the Examiner in item 2 of the Office Action. Thus, in view of these amendments to the claims, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 6-9 and 13-15 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hitoshi et al. (EP 0 988 793 A1). This rejection has been rendered moot by the cancellation of the rejected claims.

Rejection under 35 U.S.C. §103

Claims 1-5 and 10-12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hitoshi et al. (EP 0 988 793 A1). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, the cited reference must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, Hitoshi et al. fail to teach or suggest all of the limitations of the claims, with particular emphasis on the limitations "*preparing a stabilized suspension by treating an aqueous slurry of whole grain-mash of beans once or a plurality of times using a homogenizer under a homogenizing pressure of 100 Kgf/cm^2 (9.8 MPa) or more,*" "*denaturing protein by adding a coagulant and/or an acidic pH adjustor (or a pH adjustor) to said stabilized suspension to obtain a relevant protein denaturation raw material,*" and "*performing a dispersing treatment for making the relevant protein denaturation raw material dispersed by a physical dispersing means.*"

Applicant submits that Hitoshi et al. only arguably teaches each of the following steps (i.e. *steps (a), (b) and (c) below*) being practiced independently without a relationship to the other steps. In other words, Hitoshi et al. does not teach each of the following steps being practiced in combination with one another (i.e. *steps (a), (b) and (c) being together in combination*) as in the present invention. As recited in the claims, the present manufacturing method comprises

(a) preparing a stabilized suspension by treating an aqueous slurry of whole-grain mash of beans using a homogenizer,

(b) denaturing protein by adding a coagulant and/or an acidic pH adjustor (or a pH adjustor) to said stabilized suspension, and

(c) performing the dispersing treatment for making the relevant protein denaturation raw material dispersed by a physical dispersing means.

In Example 1 of Hitoshi et al. (see paragraph [0033]) which the Examiner has cited in support of the rejection as teaching above step (a), the stabilized suspension is not a starting material like in the present invention, because the suspension is separated into soybean milk and "okara". Further, the soybean milk as a starting material is not homogenized as compared the stabilized suspension (starting material) of the present invention.

In addition, Hitoshi et al. does not teach that the treatment using a homogenizer is repeated in Example 1. In other words, the treatment in Hitoshi et al. is only performed once. The repetition of the homogenizing treatment enhances the degree of homogenization and, as a result, provides a product having slippery smooth feeling in the throat and being pleasant to the palate, and a stabilized suspension having a high fermentative characteristic (see, page 14, lines 5-19, of the present specification).

In paragraphs [0015] and [0016] of Hitoshi et al. which the Examiner has cited in support of the rejection as teaching above step (b), Hitoshi et al. only teaches adding a coagulant to a soybean milk having a pH 7 to 8, but does not teach adding a coagulant and/or an acidic pH adjuster to a stabilized suspension including whole-grain mash of beans, which is not equivalent to soybean milk made from whole-grain mash.

It is also important to emphasized that in Hitoshi et al., the denaturation of soybean protein is undesirable because it causes a rough texture after treatment with the coagulant (see paragraph [0015] of Hitoshi et al.). However, in the present invention, the denaturation of the protein is not undesirable but a necessary part of the claimed method.

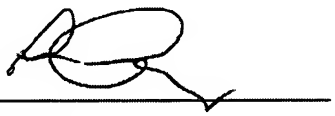
Hence, for the above-mentioned reasons, Hitoshi et al. does not teach or suggest all the limitations of the present invention. Thus, withdrawal of the rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: September 4, 2008

Respectfully submitted,



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